

**SULLIVAN WEINSTEIN & MCQUAY**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

SCOTT A. ROBERTS  
(617) 348-4340  
SRoberts@swmlawyers.com

January 12, 2005

**BY MAIL**

Elaine Flaherty, Docket Clerk to the  
Honorable Richard G. Stearns  
United States District Court  
U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02110

**Re: *Davidson v. Deutsche Bank***  
**Civil Action No. 04-cv-11027-RGS**

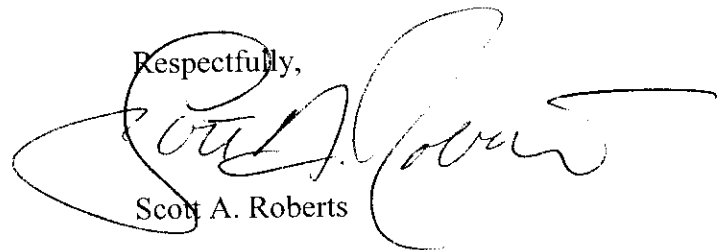
Dear Ms. Flaherty:

On December 15, 2004, Judge Stearns entered an order granting the defendants' motion to dismiss in its entirety, but allowing the plaintiff 21 days to amend two claims in his complaint. On January 5, 2005, the plaintiff filed his amended complaint. The defendants assert that the plaintiff has not cured the defects in his original complaint, and we intend to file a motion to dismiss the amended complaint, which I expect will be quite brief.

I will be in a position to file the new motion to dismiss by February 4<sup>th</sup>. I have spoken with plaintiff's counsel, Allison O'Neil, and she is amenable to that schedule. If this proposed filing date is unacceptable to the Court, please let me know.

As always, thank you for your attention and courtesy.

Respectfully,



Scott A. Roberts

cc: Allison M. O'Neil, Esq.  
A. Lauren Carpenter, Esq.